

APR 27 2011

**EXHIBIT A:
STIPULATED FACTS**AT GLE.
CLERK U.S. DIST.
DISTRICT OF MARYLAND

BY _____ DEPUT

The undersigned parties hereby stipulate and agree that if this case had proceeded to trial, the government would have proven the following facts beyond a reasonable doubt. The undersigned parties also stipulate and agree that the following facts do not encompass all of the evidence that would have been presented had this matter proceeded to trial.

At all times relevant to this case, defendant **CESAR CUYUN**, was a resident of Hyattsville, Maryland. Between 2005 and 2009, Special Agents of the Department of Homeland Security's Bureau of Immigration and Customs Enforcement conducted a national investigation of individuals who purchased memberships to websites that advertised and offered access to images of children engaged in sexually explicit conduct. **CUYUN** made eleven purchases to websites under investigation for advertising and distributing child pornography.

In April of 2008, an individual utilizing the email address ccuyun@darcars.com, entered the "join page" of a website under investigation for selling access to child pornography. The individual purchased a one month membership for \$79.99 to a child pornography membership using his real name, home address, telephone number and credit card information to complete the transaction. Agents traced the IP address used to make the purchase, which resolved back to **CUYUN**'s residence.

On April 14, 2009, a federal search warrant was executed at **CUYUN**'s residence. **CUYUN** was interviewed and confessed to having paid for access to the site to access and view child pornography images. During the search, the defendant's computers were seized and forensically examined. **CUYUN**'s computer had approximately 213 images and 31 videos depicting children engaged in sexually explicit conduct. Several images on **CUYUN**'s computer were verified by the National Center for Missing and Exploited Children as being known or identified victims. The images of the known victims were not produced in the state of Maryland and therefore traveled in interstate commerce.

The following images were located on the digital media seized at **CUYUN**'s residence on April 14, 2009:

- * a video titled, "12[1].avi," which depicts a pre-pubescent female displaying her genitalia and being digitally penetrated.
- * a video titled, "\$R4KZJ\$G.avi," which depicts a pre-pubescent female sleeping while an adult removes her clothing and manipulates her genitalia.
- * an image titled, "AN3119~1.jpg," which depicts a naked pre-pubescent female in front of a naked adult male with the adult male's penis in her

mouth. This image has been identified by NCMEC as a known image from the "Angeli" series.

- * an image titled, "/CE9542~1.jpg," which depicts two image of a naked pre-pubescent female lying on her back being anally penetrated by an adult male penis and the same prepubescent naked female with her hands on her buttocks spreading open her anus and exposing her anus and her vagina to the camera. These two images have been identified by NCMEC as a known victim from the "Rimg" series.

* * * * *


I have read this Statement of Facts and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. I do not wish to change any part of it.

03/31/11
Date


Cesar Cuyun

I am Cesar Cuyun's attorney. I have carefully reviewed every part of this Statement of Facts with him. To my knowledge, his decision to sign it is a voluntary one.

3/31/11
Date


Peter Fayne, Esq.